

**REMARKS**

Applicants have carefully reviewed this Application in light of the Final Office Action mailed January 9, 2008 and the Advisory Action mailed March 4, 2008. Claims 1-48 are pending in this Application and Claims 1-48 stand rejected under 35 U.S.C. § 103(a). Claims 1, 15, 24, 38 and 47 have been amended to further define various features of the Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

**Rejections under 35 U.S.C. § 103**

Claims 1-4, 9, 10, 15, 16, 24-27, 32, 33, 38, 39, and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0085701 by Eric W. Parsons et al. ("*Parsons*") in view of U.S. Patent 6,075,992 issued to Billy G. Moon et al. ("*Moon*").

Claims 5-8, 11-14, 17-23, 28-31, 34-37, 40-46, and 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Parsons*, in view of *Moon*, in view of U.S. Patent No. 6,493,324 issued to John L. Truetken ("*Truetken*").

*Parsons* discloses a system for routing inbound communications to various phones or messaging devices based on the presence of the intended recipient. The user of the system sets up routing profiles and indicates his or her "presence context" and the system routes inbound communications according to the profile enabled by the current presence context. (Page 2, ¶¶ [0011]-[0012]). The only interaction between the user associated with a given inbound communication is the ability to acknowledge receipt of a *text message* to prevent the system from resending the same message to a backup messaging device. (Page 8, ¶ [0081]).

*Moon* discloses a method of automatically handling initiation of a call by a portable intelligent communications device to a designated recipient. (Col. 2, lines 18-21). The method includes storing a time range by which the designated recipient may be called at a particular phone, determining a local time for the designated recipient and determining from the local time whether to automatically initiate or provide a prompt for initiation of a call to the designated recipient based on whether the local time is within the time range. (Col. 2, lines 21-33).

Claims 1 recites a method comprising “automatically generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Claim 15 recites a method comprising “automatically generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based commitment with a mediated party.”

Claim 24 recites a computer program product comprising a computer program capable of “automatically generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Claim 38 recites a computer program product comprising a computer program capable of “automatically generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based commitment with a mediated party.”

Claim 47 recites a system comprising a mediation system capable of “automatically generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Applicants respectfully submit that the cited references fail to disclose every element of Applicants’ invention. Further, there is no motivation, suggestion or teaching to combine *Parsons* with *Moon*. Each of *Parsons* and *Moon* fails to teach at least a method comprising “automatically generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited in amended Claim 1. The cited references also fail to disclose a method for facilitating mediated virtual communication comprising “automatically generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based commitment with a mediated party,” as recited in amended Claim 15. Additionally, *Parsons* and *Moon* fail to teach or suggest a computer program product comprising a computer program enabled to “automatically generate a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited in

amended Claim 24. *Parsons* and *Moon* further fail to disclose a computer program product comprising a computer program enabled to “automatically generate a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based commitment with a mediated party,” as recited in amended Claim 38. Finally, the cited references fail to teach or suggest a system for facilitating mediated virtual communication comprising a mediation system capable of “automatically generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited in amended Claim 47.

In the Advisory Action, the Examiner argues that:

Parsons discloses that the user may specify that the incoming callers may choose to be routed to the user’s cell phone or send a text message to the user’s pager (page 3 [0029]) and further discloses that the calls to the user may be transferred to a particular phone such as an administrative assistant’s phone (page 4 [0038]). It is well known that administrative assistants are used in order to schedule a later time to call back (pending mediated commitment). In a similar field of endeavor, Moon discloses an apparatus and method for automatically handling initiation of a call and . . . further discloses of a control button which is provided for transferring to a screen display in a calendar application, where the phone call may be scheduled (generating a pending mediated commitment) for initiation at a later time or date in accordance with the time range/days in which the designated recipient is available (generating a pending mediated commitment (scheduling a callback) based on availability status, col5 line50-col6 line25 and 86 of figure 5).

(Advisory Action, page 2). The cited portion of *Moon* states:

Control buttons 80 and 82 are provided so as to “Cancel” the call request and display “Other” options (e.g., initiate the call on another phone number), respectively. It will be appreciated that even if the call is intended for a recipient within the same area code or time zone, the apparatus and method of the present invention may still be utilized to ascertain which of several phone numbers should be contacted for such call recipient at a given time.

Should the local time determined for the call recipient fall outside the time range for all such stored phone numbers, phone dialer software application 50 will depict a different screen display 84 on display screen 22 of portable intelligent communications device 10 (see FIG. 5) on which one of several available messages 86 will preferably be shown (box 132). Examples of message 86 include initiating the call to the designated recipient at a different phone number and a reminder to initiate the call to the designated recipient during a particular time range, but is not limited thereto. A control button 85 ("Schedule Call") is provided for transferring to a screen display in a calendar/to do software application 87 (decision box 134), where the phone call may be scheduled for initiation at a later time or date in accordance with the time ranges/days in which the designated recipient is available (box 136).

(Col. 5, line 60 - Col. 6, lines 25). However, this portion of *Moon* in addition to the use of an administrative assistant to schedule a later time to call back fails to teach or suggest "automatically" generating "a pending mediated commitment." Instead, *Moon* and the use of an administrative assistant requires an affirmative action by a person (e.g., the administrative assistant scheduling a call and pushing button 85 as disclosed in *Moon* to schedule a call) to generate a scheduled commitment. Thus, the cited references fail to disclose the recited elements and, therefore, cannot render obvious Claims 1, 15, 24, 38 and 47.

Given that Claims 2-15 depend from Claim 1, Claims 15-23 depend from Claim 15, Claims 25-37 depend from Claim 24, Claims 39-46 depend from Claim 38, and Claim 48 depends from Claim 47, Applicants respectfully submit that Claims 2-15, 15-23, 25-37, 39-46, and 38 are allowable. As such, Applicants respectfully request that the Examiner allow Claims 1-48.

**Request for Continued Examination (RCE)**

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal. The Commissioner is authorized to charge the RCE fee of \$405.00, and any additional fees required to Deposit Account 50-2148, in order to effectuate these filings.

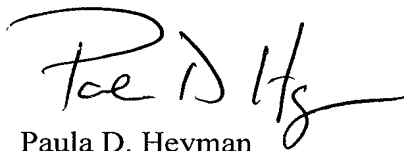
**CONCLUSION**

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for examination and allowance. For the foregoing reasons, Applicant respectfully requests reconsideration of the application and allowance of Claims 1-48, as amended.

Applicants authorize the Commissioner to charge \$405.00 fee for the RCE to Deposit Account No. 50-2148 of Baker Botts L.L.P.. Applicant believes there are no further fees due at this time; however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,  
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Date: April 8, 2008

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